

(p) *Geotechnical investigation* is an investigation and engineering evaluation of earth materials including soil, rock, groundwater and manmade materials and their interaction with earth retention systems, structural foundations and other civil engineering works.

(q) *Grade* is the vertical location of the ground surface.

(r) *Grade, existing* is the grade prior to grading.

(s) *Grade, finished* is the final grade of the site which conforms to the approved plan.

(t) *Grading* is any excavating or filling or combination thereof. The volume of grading is the combined volume of material excavated and filled.

(u) *Grading plan* is a plot plan and supporting information as specified in section 9-25(d).

(v) *Protected tree* is defined in section 25-2.

(w) *Natural ground* is the surface of the ground prior to grading.

(x) *Pregrading* is the removal of vegetation and scarring of the ground surface, sometimes called clearing and grubbing, preliminary to grading.

(y) *Site* is any lot or parcel or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

(z) *Slope* is an inclined ground surface the inclination of which can be expressed as a ratio of horizontal distance to vertical distance. Vertical distance divided by horizontal distance gives percent slope. Slope can also be expressed as the number of degrees in the angle formed by the intersection of the ground surface and the inclined surface.

(aa) *Soil* is naturally occurring superficial deposits overlying bedrock.

(bb) *Terrace* is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

(cc) *Tree* is any tree with a trunk or multiple trunks with a circumference of nineteen (19) inches, or more, measured at twenty-four (24) inches above existing grade.

(dd) *UBC* is the Uniform Building Code as adopted by the City of Belmont.

(ee) *Vegetation removal* is removing plant materials from a site by cutting to the ground or stumps, extracting or spraying with herbicides. (Ord. No. 854, § 1, 11-26-91; Ord. No. 920, 11-12-97)

### ARTICLE III. PROCEDURES

#### Sec. 9-20. General.

(a) All applications for grading permits shall be filed with the director of public services. Except where review by the planning commission is specifically required, the director of public services shall review all grading permit applications, make the required findings, and approve, approve with conditions, or disapprove the application.

(b) A single grading permit application may be filed for grading on contiguous sites if approved by the director of public services. In such cases, the volume of material and area disturbed will be determined on a lot-by-lot basis.

(c) Pregrading is prohibited unless a valid grading permit has been issued and the pregrading conforms to the approved grading plan.

(d) The city shall retain all approved grading plans and specifications. (Ord. No. 854, § 1, 11-26-91)

#### Sec. 9-21. Grading permit not required.

Regardless of the limits established in section 9-22, a grading permit shall not be required for the following:

(a) Grading to avert risk to life or property when the director of public services has found an emergency to exist.

- (b) Trenching undertaken by the city, county or other government agency or public utility for installation, maintenance or repair of utility lines.
  - (c) Grading pursuant to a road improvement plan adopted by the city council pursuant to section 7-13(e)(11).
  - (d) Grading undertaken by the city or its authorized representative in the right-of-way.
  - (e) Removal and backfill of in-ground fuel storage tanks when done in accord with fire code requirements with the condition that backfill is done according to standards established by the department of public services (see section article IV).
  - (f) Tilling of soil for fire protection as authorized by the fire chief.
- (Ord. No. 854, § 1, 11-26-91)

#### **Sec. 9-22. Grading permit required.**

A grading permit shall be required in the following cases:

- (a) The combined volume of material excavated and filled will exceed fifty (50) cubic yards.
  - (b) The depth of any cut or fill will exceed two (2) feet at its deepest point measured from the natural ground.
  - (c) Grading and/or vegetation removal will disturb an area of more than two thousand (2,000) square feet.
  - (d) Trenching, boring or other excavation as part of a geologic or geotechnical investigation required by the city.
- (Ord. No. 854, § 1, 11-26-91)

#### **Sec. 9-23. Planning commission review required.**

Planning commission review of the grading plan and permit shall be required in all cases where the proposed grading involves significant engineering or environmental issues as deter-

mined by the director of public services or where the proposed grading meets one (1) or more of the following criteria:

- (a) The combined volume of material excavated and filled will exceed five hundred (500) cubic yards.
  - (b) Grading and/or vegetation removal will disturb an area greater than six thousand (6,000) square feet.
  - (c) Grading will endanger an existing protected tree, as defined herein, which could otherwise be saved by redesigning the project.
- (Ord. No. 854, § 1, 11-26-91; Ord. No. 920,, 11-12-97)

#### **Sec. 9-24. Application for grading permit.**

Three (3) copies of an application for a grading permit and required fees shall be submitted by the property owner or authorized agent of the property owner to the department of public services. If the director of public services determines that a planning commission review will be required, the application will be transmitted to the director of planning and community development, who will coordinate review of the application.

(Ord. No. 854, § 1, 11-26-91)

#### **Sec. 9-25. Information required with application for grading permit.**

The application for a grading permit must include all the following information unless the director of public services finds any item or items unnecessary to comply with the purposes of this chapter:

- (a) Full identification of property owner and, if applicable, authorized agent, including residence and business addresses, and phone numbers.
- (b) Address and complete description of the property to be graded, including any easements.
- (c) A statement of proposed use of the site to be graded.

- (d) A grading plan, prepared and signed by a California registered civil engineer, showing:
- (1) North arrow, equivalent horizontal and vertical scales (no smaller than one (1) inch equals twenty (20) feet), elevations referenced to an established point, date and name of preparer.
  - (2) Location of existing and proposed buildings on site and within one hundred (100) feet of site boundaries and location of existing and proposed streets, driveways and easements on site.
  - (3) Boundaries of the site to be graded.
  - (4) Limits of the area(s) to be graded and the locations, dimensions, and slopes of cuts and fills.
  - (5) Present (existing grade) and proposed (finished grade) contours at one-foot intervals where slopes under five (5) percent, two-foot intervals where slopes are over five (5) percent but under twenty-five (25) percent, and five-foot intervals where slopes are twenty-five (25) percent or more with an accuracy of at

least ninety (90) percent within two (2) feet.

- (6) Calculations of cubic yards of excavations and fills.
- (7) Profiles and cross-sections sufficient to show the relationship of existing and proposed structures to existing and proposed contours.
- (8) Location, size and varieties of all trees onsite indicating those to be removed and any tree on adjacent property within twenty-five (25) feet of any grading operations.
- (9) Existing and proposed drainage and detailed plans for any proposed drainage structures.
- (10) Plans for erosion control during and after grading including planting, cribbing, terraces, sediment retention structures, and other such means of control.
- (e) Specifications for revegetation of the graded area to control erosion and restore the appearance of the site, including:
  - (1) Location, size and variety of plants.
  - (2) Proposed methods of planting and maintenance.
  - (3) Schedule for installation.
- (f) The date the proposed grading is expected to start and to be completed; and the schedule for constructing sediment and erosion control structures.
- (g) The number, types and sizes of trucks and other equipment to be used for work on the site and for hauling excavated material.
- (h) Information necessary to process hauling permits per chapter 14, article III, if required.
- (i) The location of any temporary storage areas for fill material.
- (j) Detailed engineering specifications and drawings of retaining walls, drainage structures or other site improvements as required by the director of public services based on recommendations of the department staff and/or the city geologist.
- (k) Protection plans for all trees to be retained.
- (l) Topsoil stockpile areas.

- (m) Dust control plan.  
(Ord. No. 854, § 1, 11-26-91)

#### **Sec. 9-26. Information which may be required.**

The director of public services or the director of planning and community development may require additional information as part of an application for a grading permit when either finds that additional information is necessary to evaluate the proposed grading for conformity with the purposes of this chapter. Such additional information may include, but is not limited to:

- (a) Geotechnical report by a California licensed geotechnical engineer.
- (b) Engineering geology report by a California certified engineering geologist. An engineering geology report shall be required for certain grading in the San Juan Canyon Area as per section 7-12.
- (c) Landscape plans and specifications. All landscape plans shall be prepared by a licensed landscape architect except for projects involving one (1) single-family residence or when waived by the director of public services or the director of planning and community development. Landscape plans shall include:
  - (1) List of plants giving standard botanical names; location, quantity and size of plants; outline of lawn areas; and identification of existing trees to be preserved, transplanted and removed.
  - (2) Details of plantings to control erosion and restore appearance of graded surfaces or to screen graded slopes or retaining structures.
  - (3) Methods of planting, including a description of soil preparation, fertilization and maintenance of both plantings and slopes until uniform coverage is achieved.
  - (4) Evaluation of effect of plants at mature height on views and solar access to and from the site and adjacent properties.
  - (5) Statement regarding the time to produce uniform coverage of slopes.
  - (6) Details not shown on other plans of any site improvements such as retaining walls, irrigation systems, and drainage structures.

- (d) A report by a certified arborist that describes the location, size, species and condition of all trees on the project site and trees within twenty-five (25) feet of grading operations, and to what degree construction and grading activity might impact the trees. The report shall also include preventative and remedial recommendations to limit the impacts of construction and grading.
- (e) A list of all property owners owning land within three hundred (300) feet of the subject property together with a map showing these properties and stamped envelopes addressed to each property owner on the list.
- (f) An excavation or filing plan detailing on a topographic site plan how access will be provided to the site for grading vehicles, delimiting the maximum extent of ground disturbance and excavation necessary during the grading operation, and showing any temporary shoring or other ground stabilization measures proposed during grading.
- (g) Evidence of certified mailing of arborist report to adjacent owners of affected trees at least fifteen (15) days prior to public hearing.

(Ord. No. 854, § 1, 11-26-91)

**Sec. 9-27. Grading permit review by director of public services.**

The director of public services shall review the application, refer it to other staff members and consultants for comment, as deemed necessary. The director shall approve the grading plans and permit application, with any conditions needed to accomplish the purposes of this chapter, upon making the following findings:

- (a) The proposed grading will not endanger the stability of the site or any adjacent properties or pose a significant ground movement hazard to adjacent properties.
- (b) The proposed grading will not significantly increase erosion or flooding affecting the site or other properties and will not degrade riparian habitats, stream channel capacity or water quality.
- (c) The proposed grading is necessary to allow reasonable use of the site.

- (d) The proposed grading, when completed, will result in a building site that is visually compatible with the surrounding land and accommodates any required off-street parking and retaining wall landscaping.
- (e) The proposed grading will meet the standards and specifications of article IV of this chapter.
- (f) For applications for geologic or geotechnical investigations, the director of public services and the applicant's geotechnical engineer or engineering geologist shall find that the form of vehicular access and methods of excavation are the simplest and least intrusive possible to obtain the geologic information required by the city.
- (g) The grading permit is conditioned on issuance of a hauling permit, if required.
- (h) The design of the project preserves existing protected trees on the site and trees on adjoining property to the extent possible.
- (i) Arborist recommendations for retained trees are incorporated into the grading plans.

If the director of public services cannot make all of the findings, the permit shall be denied.

(Ord. No. 854, § 1, 11-26-91)

**Sec. 9-28. Grading permit review by planning commission.**

The following procedures shall govern planning commission review of a grading plan and permit application:

- (a) The director of the planning and community development department shall review the application, request additional information if needed, refer the application to other staff members and consultants for comment as deemed necessary, and prepare a staff report to the planning commission.
- (b) The planning commission shall hold a public hearing noticed as provided in section 11.4.1 of ordinance 360.
- (c) The planning commission shall approve, approve with conditions, or deny the application for a grading permit after making the appropriate findings as specified in section 9-27(a)–(h).

(Ord. No. 854, § 1, 11-26-91)

**Sec. 9-29. Issuance of a grading permit.**

Following approval of a grading plan and permit application under either section 9-27 or section 9-28, a grading permit shall be issued by the director of public services subject to the following conditions:

- (a) For a project requiring both a grading permit and a building permit, the two (2) permits shall be issued simultaneously. Exceptions to this general provision may be granted by the director of public services upon making one (1) of the following findings:
    - (1) The applicant will suffer undue hardship consisting of loss of use of his or her property.
    - (2) The impacts of grading such as erosion, vegetation disturbance, and visual scarring will be reduced by permitting grading before a building permit is approved.
    - (3) All planning entitlements pertaining to the use and construction of the entire site, including the grading plan, have been approved by the city, and the applicant has satisfied all the application requirements for a grading permit, paid the required fees and posted the required bonds.
  - (b) A grading permit to prepare a site for development of a new subdivision shall be issued only after the final subdivision map has been approved and recorded and the improvement plans have been approved by the city council, and a bond for the improvements has been posted with the city.
  - (c) A permit for grading for other projects, including geologic or geotechnical investigations and landslide repairs, may be issued at any time after the application has been approved.
  - (d) The proposed schedule allows sufficient time to complete the grading before the onset of wet weather (see section 9-31).
- (Ord. No. 854, § 1, 11-26-91)

**Sec. 9-30. Grading inspections.**

All grading inspections shall be made pursuant to requirements of chapter 70 of the Uniform Building Code as adopted by the city. The director

of public services will inspect work in progress and stop work that is not as approved. The city geologist will inspect as requested by the director of public services. Approved grading plans and the grading permit will be kept at the site. The permittee will notify the department of public services forty-eight (48) hours in advance of a required inspection. Grading inspections by the department of public services shall include at least the following:

- (a) *Initial.* Before grading commences and after construction stakes have been set.
- (b) *Rough grading:* When all rough grading has been completed.
- (c) *Final:* When all work has been completed and final report has been submitted, including:
  - (1) As-graded plan prepared by a registered civil engineer.
  - (2) Any required soil grading report prepared by licensed geotechnical engineer.
  - (3) Any required geologic grading report prepared by a certified engineering geologist.
  - (4) Any required report prepared by a certified arborist.

(Ord. No. 854, § 1, 11-26-91)

**ARTICLE IV. STANDARDS AND SPECIFICATIONS**

It is the intent of the city that all grading, whether requiring permit or not, shall be backfilled, re-compacted, planted for erosion control, and generally carried out according to standards and time limits contained herein.

**Sec. 9-31. Weather limitations.**

All required erosion control structures shall be in place by November 15. Grading shall neither be initiated nor continued during the winter rain period between November 15 and April 15 except under the following conditions:

- (a) Grading is for emergency purposes, utility service, or by the city as specified in section 9-21(a), (b) and (c); or
- (b) Grading is for a geologic or geotechnical investigation required by the city; or